

CENTER FOR AUTO SAFETY

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May 22, 2014

The Honorable David J. Friedman
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue SE, West Building
Washington, D.C. 20590

Dear Administrator Friedman:

NHTSA has repeatedly said it did not see a defect trend when it evaluated ignition switch failure in Cobalts, Ions and other GM models in 2007 and again in 2010. A major reason why NHTSA did not see a defect trend is because it failed to consider consumer complaints from outside the agency.¹ From 1966 through 2006, NHTSA welcomed and included complaints from consumer groups, state attorney generals and agencies in its database. All through the early 1970's, the agency's data base included so many complaints from Ralph Nader and the Center for Auto Safety (CAS) that the agency arranged for bulk pickup for complaints to be copied and included in its complaint database.

In the early 2000's consumers shifted from writing complaints to filing complaints online. Just as NHTSA moved to an online database for complaints, so did CAS. Former NHTSA Administrators Ricardo Martinez and Jeffrey Runge worked with CAS to develop a mechanism to shift from copying complaints to an electronic transfer from CAS' website to NHTSA. On December 2, 2003, [Administrator Runge wrote CAS](#): "ODI is working with a CAS contractor to develop the most efficient means of incorporating the CAS complaints into the ODI complaint database. We hope to be able to accomplish this in the near future."

All that stopped around 2006 when NHTSA said outside complaints would no longer be included in its complaint database or in investigatory files. This overturned 40 years of welcoming outside consumer complaints in both the NHTSA's complaint database and investigations.

Consumer complaints received by outsiders and forwarded to the agency played major roles in most, if not all, of the litigated defect cases in the 1970's. Complaints from Ralph Nader opened the Kelsey-Hayes wheel investigation and then forced a recall of all GM pickups with Kelsey-Hayes wheels after NHTSA settled for a partial recall. (U.S. v. General Motors, 518 F.2d 420 (D.C. Cir. 1975). Complaints from CAS opened the Cadillac Pitman Arm investigation (See U.S. v. General Motors, 561 F.2d 923 (D.C. Cir. 1977). Analysis and submission of complaints by the Public Interest Research Group resulted in reopening of the Rochester Quadrajel Carburetor investigation after GM falsely alleged all failures occurred at low mileage. (See U.S. v. General Motors, 565 F.2d 754 (D.C. Cir. 1977).

¹On March 7 we wrote you about NHTSA's failure to use EWR and SCI data to open a defect investigation, and again on March 14 about NHTSA's failure to use FARS as a screening tool to find nondeployment crashes.

NHTSA's new policy of not including consumer complaints in NHTSA's complaint database is most clearly stated in the [November 1, 2011 letter](#) from ODI Director Frank Borris to CAS, which refused to include 97 complaints in the Ford Freestar investigation, EA09-016. Only the cover letter from CAS was included in NHTSA's complaint database (See Attachment A) rather than the specific complaints related to the defect investigation, such as that of Dwayne Macek, 201 Donnell St, Weirton, WV 26062 who wrote the following:

TRANSMISSION FAILED WITHOUT WARNING ON BUSY HIGHWAY WITH WIFE AND FOUR SMALL CHILDREN ABOARD. ALMOST HIT BY SEMI.

Vehicle Information: Make: Ford, Model: Freestar, Year: 2004, VIN: 2FMZA52264BA27798

NHTSA has been criticized by the DOT Inspector General for failing in its defect investigation process to "receive or solicit information from other sources, such as safety groups . . ." Review of the Office of Defect Investigation," Jan. 3, 2002. In 2010, the IG further criticized NHTSA:

Adequately tracked or documented pre-investigation activities. ODI's primary means for determining whether an investigation is warranted are consumer complaints. However, its central database, Artemis, does not track whether complaints are reviewed within established timelines or used to support an investigation. Further, ODI does not track evidence supporting potential defects in Artemis or thoroughly document Defect Assessment Panel decisions on which risks to investigate. Without comprehensive documentation of pre-investigation activities, ODI's decisions are open to interpretation and questions after the fact, potentially undermining public confidence in its actions.

We know from your testimony before Congress and the Agency's submission to the House Energy and Commerce Oversight and Investigations Subcommittee that NHTSA only considered consumer complaints in its own database when looking into the GM ignition switch. NHTSA's refusal to no longer include CAS complaints in its complaint database meant that its complaints failed to include four crashes between 2003 and 2010 in 2005-07 Chevrolet Cobalts and 2003-07 Saturn Ions where the airbags failed to deploy (See Attachment B). Additionally, there were two chronic engine power failure complaints in 2005 and 2007 that fit the classic ignition switch failure mode. How can the agency see a defect trend if it refuses to include outside complaints, thereby willingly forgoing the use of additional information related to a defect?

The agency's previous policy of including consumer complaints from outside sources in the agency's complaint database and investigatory process created a more robust system that led to quicker and more comprehensive defect investigations and safety recalls. Submissions from safety advocates like CAS, Ralph Nader, State Attorneys General, and state consumer protection and safety agencies have until recently helped NHTSA gather complete and accurate information regarding potential defects. The GM ignition switch debacle is proof positive that the new system of excluding outside safety complaints and information from agency decision-making can only have negative results. Failure to include CAS' complaints on airbag nondeployment and ignition switch problems in Cobalts and Ions in the agency's complaint database impaired the agency's ability to spot this tragic defect.

Even though NHTSA has rejected CAS complaints since 2006 when submitted to open investigations, there was no open investigation into GM ignition switch failure into which CAS could attempt to submit complaints. NHTSA must remedy this system so that the agency is able to accept outside complaints that can be used in the pre-investigatory stage to determine whether further investigation is necessary.

We call on you as the Acting Administrator and top official within the agency to revert to the

agency's 40-year policy from 1966 to 2006 to include outside complaints in the agency's complaint database and to its defect investigation. Failure to do so can only result in the agency missing more defects like the GM ignition switch in the future, at the cost of unknown, but certain, loss of life.

The Center for Auto Safety requests a response to this letter on what the agency will do, particularly since previous Administrators have seen the merits to our request and have responded.

Sincerely,

A handwritten signature in black ink, appearing to read "Clarence Ditlow". The signature is fluid and cursive, written in a professional style.

Clarence Ditlow
Executive Director

Enclosures: 4

cc: Secretary Anthony Foxx
Inspector General Calvin Scovell
Senator Jay Rockefeller
Senator John Thune
Senator Claire McCaskill
Senator Richard Blumenthal
Senator Edward Markey
Senator Dean Heller
Rep. Fred Upton
Rep. Henry Waxman
Rep. Tim Murphy
Rep. Diana DeGette

ATTACHMENT A – No Complaints Placed in NHTSA Complaint System

Recalls

Investigations

Complaints

Service Bulletins

Below is a list of safety-related complaints received for this product. Complaints are entered into our complaint database and are used to determine if a safety-related defect trend exists.

Do you have a safety-related complaint? Let us know by going to our [File a Safety Complaint](#) page

Date Complaint Filed: 10/07/2011

Date of Incident: 10/07/2011

Component(s): POWER TRAIN

NHTSA ID Number: 10430935

All Products Associated with this Complaint ▼

Details ▲

0 Associated Documents

Crash: No **Fire:** No **Number of Injuries:** 0 **Number of Deaths:** 0

Manufacturer: Ford Motor Company

Vehicle Identification No. (VIN): Not Available

SUMMARY:

CAS ASKS THIS LETTER AND THE 92 COMPLAINTS ATTACHED HERETO BE PLACED IN THE DOCKET OF EA09-016 AND THAT FORD BE ORDERED TO RECALL ALL 2004-05 FORD FREESTAR, AND MERCURY MONTEREY VANS FOR DEFECTIVE TRANSMISSIONS.

Request Research ?

ATTACHMENT B - GM COMPLAINTS TO CAS

Danielle Bonham
321 Skyline
Vallejo , CA 94591

Submitted: March 14, 2014

2008 Chevrolet Cobalt
VIN: 1G1AL18F487295318
Transmission: automatic
Vehicle involved in: crash

Problem Description

The air bags failed at least one other time. A few months after I purchased the car in 2008 It was involved in an accident and no airbags deployed. In September 2013 the car was totaled and no airbags deployed.

Failures and Repairs

Item Failed	Date of Failure	Mileage at Failure
airbag	September 2013	180000

Rodney Stokes
501 Rye Mill Ct
Jacksonville, NC 28540

Submitted: March 14, 2014

2006 Chevrolet Cobalt
VIN: 1G1AK15F767705078
Transmission: automatic
Vehicle involved in: crash, injury

Problem Description

In a 30 mph collision the airbags of this vehicle did not deploy and I sustained facial injuries from the steering wheel. I am unsure of the exact date and mileage of the accident at this time as it has been quite some time ago. This vehicle was repossessed shortly after the aforementioned incident.

Failures and Repairs

Item Failed	Date of Failure	Mileage at Failure
airbag	August 2008	N/A

Ruth Schlusser
1353 Centerville Rd
Newville, PA 17241

Submitted: February 15, 2010

2006 Chevrolet Cobalt
VIN: 1G1AL55F167673250
Transmission: automatic
Vehicle involved in: crash

Problem Description

I was involved in an auto accident today, at a speed of 50 mph, in a front end collision, my airbag did not deploy. I was not injured seriously however I am concerned about the non-deployment of the airbag because of other people driving these vehicles. I expect that my car may be totaled by the insurance company but, am concerned if they don't because of this problem. Knowing this I would be very uncomfortable having to get back in this vehicle to drive it again. I don't want anything, I just hope my writing to you may help to prevent serious injury or death to an individual, that is driving these cars with same false sense of security I had.

Failures and Repairs

Item Failed	Date of Failure	Mileage at Failure
airbag	February 2010	48000

Sheila Carroll
24011 Douglas Dr
Plainfield, IL 60585

Submitted: April 20, 2008

2007 Chevrolet Cobalt
VIN: 1G1AK15F477102509
Transmission: automatic
Vehicle involved in: crash

Problem Description

My daughter had a severe front and side on contact accident. This totaled my car out and the other vehicle that was involved. When I got to the accident we were very lucky that her and her brother were okay and the other person in the other vehicle. This was not due to any help from the vehicle. I do have pictures to show the vehicle's damage. Anyway, when I bought this vehicle they told me it had one of the highest safety records that the airbags were designed to go off to protect you with any front end collision as long as it hits the bumper. Well the bumper was hit and ripped off and pushed in the middle of the car. The airbags did not go off for either side of the car. Everyone that was there was surprised they didn't go off and took extra care around it because of it. I called GMC to let them know that the airbags didn't go off and all they said was they are okay and that's all that matters. As I tried to explain to them it isn't all that matters cause I bought this car for the extra safety. I tried to explain to them where the car was hit the bags should have went off and I would have preferred my daughter and son to have their face with bruises and save their lives than them not going off and being killed. But their reason is as long as they were okay that is okay. I don't think it's okay because if it's a malfunction in the airbags who to say the next person is going to be as lucky. I took the pictures even to the dealership and had their guy look at them and he even said the airbags should have gone off.

I don't know who to turn to get this taken care of. It has made me very leery of any vehicle as you can imagine. We did buy another Chevy only because the dealership gave us a great deal because they felt that GM should have stepped up for the airbags not going off. But it still doesn't give me a good feeling about Chevrolets. In fact I only drive the Silverado when I have to. I drive the Volkswagen more.

Failures and Repairs

Item Failed	Date of Failure	Mileage at Failure
airbag	February 2008	45000

Aimee Halsted
119 Highland Ave
Windsor, CT 06095

Submitted: May 7, 2007

2005 Chevrolet Cobalt
VIN: 1G1AK52F657518263
Transmission: automatic
Vehicle involved in:

Problem Description

My Chevy Cobalt continues to stall while driving full speed. I have come very close to being hit by other cars because of this ongoing problem. The garage can not duplicate the problem.

Failures and Repairs

Item Failed	Date of Failure	Mileage at Failure
computer controls	January 2007	N/A
OTHER	January 2007	N/A

Jay Gilmer
PO Box 11443
Charleston, WV 25339

Submitted: January 6, 2007

2006 Chevrolet Cobalt
VIN: 1G1AK55FX67849229
Transmission: automatic
Vehicle involved in: crash, injury

Problem Description

2006 Chevy Colbalt personal injury - slowed for exit ramp and veered to right to avoid deer and struck guard rail head on coming to a rest. Airbag sensors were smashed, but airbags did not deploy. Passenger forehead hit windshield creating a 7" gash from inside eyebrow across forehead into hairline.

Failures and Repairs

Item Failed	Date of Failure	Mileage at Failure
airbag	October 2006	35000

Braxton Wise
108 Falling Creek Dr
Thomasville, NC 27360

Submitted: May 15, 2005

2004 Saturn ION
VIN: 1G8AJ52F04Z214255
Transmission: automatic
Vehicle involved in:

Problem Description

The car stalls out as driving down the road this has happen 3 times so far and Saturn of Winston Salem can only tell me and my wife they couldn't find the problem each time we bring the car to them we have even told them we wont them to buy the car back from us or give us another car they said they couldn't help us they only want to keep putting us in this Saturn Ion that stalls out this car is putting my wife and child in danger of there lives what if she was on the highway when this happens someone needs to do something soon about this before someone gets killed.

Failures and Repairs

Item Failed	Date of Failure	Mileage at Failure
computer controls	March 2005	7704
engine	April 2005	8806
OTHER	May 2005	9646

Marianna Reitzloff
24530 Lexington
Eastpointe, MI 48021

Submitted: September 22, 2003

2003 Saturn ION
VIN: 1G8AJ52F43Z120197
Transmission: automatic
Vehicle involved in: crash

Problem Description

I purchased the car on 9/9/03, I was involved in an accident on 9/11/03 I rear ended a pickup truck. The damages to my car totaled \$8400.00 and it was a dead-center hit to the front of my car bending both of the front frames and my airbags did not deploy. Because there were no injuries sustained in the accident and because the accident was more then 50% my fault my lawyer has advised me that there are no legal ramifications that I need to take. What I would like to do is insure that the word is out there for consumers to be aware that this is potentially a serious problem and it should be addressed. I will be contacting the Saturn dealership to insure they are aware of this problem.

Failures and Repairs

Item Failed	Date of Failure	Mileage at Failure
airbag	September 2003	3600

Johanna Healy
47 Adams Street #2
Portland, ME 04101

Submitted: March 3, 2014

2007 Pontiac G6
VIN: 1G2ZG58N274168696
Transmission: automatic
Vehicle involved in: crash, injury

Problem Description

On Sunday, September 18, 2011, I was involved in an accident when I lost control of my 2007 Pontiac G6. The accident occurred in the afternoon, the weather was clear and there was no precipitation. I was

traveling southbound, in the left lane, passing a vehicle, when suddenly I lost control of my 2007 Pontiac G6. The car felt like it started to swerve to the right. I tried to correct it and the steering was hard, I couldn't move the steering wheel and had no control of the car. It was very scary, as I swerved back and forth and finally crossed through the right lane. Luckily my car was stopped by a guard rail and was facing northbound. The airbags did not deploy. The dealership diagnosed the vehicle with a faulty ignition switch and replaced it. This was the scariest moment of my life. I saw my life flash in front of me, there were several vehicles traveling on the highway and I envisioned a pile up. Luckily, the other drivers were able to avoid hitting my vehicle. The 2007 Pontiac G6 needs to be added to the recall that was recently announced. This almost cost me my life.

Failures and Repairs

Item Failed	Date of Failure	Mileage at Failure
airbag	September 2011	83621
electrical	September 2011	83621